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EXAMINER	
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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/686,049
Filing Date: October 11, 2000
Appellant(s): JAGANA, VENKATA R.

Technology Center 2100

Michael A. Dryja
Reg. No. 39,662
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed September 18, 2007 appealing from the Office action mailed September 28, 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6769021	Bradley	07-2004
6400730	Latif et al	6-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims **1-21**, **23**, **25-27** and **29** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bradley (U.S. pat. No. 6,769,021) in view of Latif et al (hereinafter, "Latiff", U.S. Pat. No. 6,400,730).

As per claims **1**, 4, **7**, **16**, **19**, 25, discloses a system for communication between a first host and second host comprising:

- means for communicating between a first host and a storage area network using a storage area network protocol, the storage area network including a plurality of storage devices exclusive of the first host (col. 1, lines 60-67 and col. 2, lines 1-2; Bradley teaches the hosts 102a and 102b each contain NIC's or similar communication circuitry that allows for communication between hosts and the subnet. Bradley further teaches that the hosts are able to communicate with each other);
- means for communicating between a second host and the storage area network using the storage area network protocol, the storage devices exclusive of the second host (col. 1, lines 60-67 and col. 2, lines 1-2; Bradley teaches the hosts 102a and 102b each contain NIC's or similar communication circuitry that allows for communication between hosts and the subnet. Bradley further teaches that the hosts are able to communicate with each other); and
- means for communicating directing between the first and second hosts using the storage area network protocol without passing through a storage device (col. 1, lines 60-67 and col. 2, lines 1-2; Bradley teaches the hosts 102a and 102b each contain NIC's or similar

communication circuitry that allows for communication between hosts and the subnet. Bradley further teaches that the hosts are able to communicate with each other).

However, Bradley does not explicitly disclose:

- means for communicating directly between the first and second hosts using the storage area network protocol in a non-ESCON protocol manner.

Latiff discloses a method and apparatus for receiving, translating and routing data packets comprising:

- means for communicating directly between the first and second hosts using the storage area network protocol in a non-ESCON protocol manner (col. 1, lines 35-44, col. 2, lines 15-67 and col. 6, lines 6-67; Latif discloses storage area network in a non-ESCON manner).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated Latif teachings of a storage area network in a non-ESCON manner with Bradley teachings for configuring a storageless host on the fabric, for the purpose of a more effective way of communicating between hosts in a shared fabric networking environment.

As per claims **2**, **5**, **8**, **11**, 17, **20**, **26**, Bradley discloses the invention substantially as claims discussed above.

However, Bradley does not explicitly disclose:

- wherein the storage area network protocol is a FICON protocol.

Latiff discloses a method and apparatus for receiving, translating and routing data packets comprising:

- wherein the storage area network protocol is a FICON protocol (col. 2, lines 15-34; Latif discloses utilizing FCP (Fiber Channel Protocol).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated Latif teachings of a storage area network in a non-ESCON manner with Bradley teachings for configuring a storageless host on the fabric, for the purpose of a more effective way of communicating between hosts in a shared fabric networking environment.

As per claims **3**, **6**, **9**, **10**, **15**, **18**, **21**, **27**, Bradley-Latif discloses wherein the means for communicating comprises:

- means at the first host for translating between the storage area network protocol and a host-to-host communications protocol selected from the group consisting of TCP/IP (see Latiff, col. 6, lines 23-37) and SNA (The Examiner takes Official Notice (see MPP 2144.03), that it would have been obvious to one of ordinary skill in the art at the time the invention was made for the communication protocol selection to have included SNA since SNA can be and is used with TCP/IP).

As per claim **12**, Bradley discloses the invention substantially as claims discussed above.

However, Bradley does not explicitly disclose wherein the step of communicating directly between the first and second hosts comprises:

- encapsulating TCP/IP packets from the first host in 8232 protocol frames;
- transmitting the 8232 protocol frames to the second host using the FICON protocol; and
- decapsulating the TCP/IP packets from the 8232 protocol frames at the second host.

Latiff discloses a method and apparatus for receiving, translating and routing data packets comprising:

- encapsulating TCP/IP packets from the first host in 8232 protocol frames col. 6, lines 23-37; Latif teaches encapsulation that is over a high speed network);
- transmitting the 8232 protocol frames to the second host using the FICON protocol (col. 6, lines 23-37); and
- decapsulating the TCP/IP packets from the 8232 protocol frames at the second host (col. 11, lines 57-63).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated Latif teachings of a storage area network in a non-ESCON manner with Bradley teachings for configuring a storageless host on the fabric, for the purpose of a more effective way of communicating between hosts in a shared fabric networking environment.

As per claims **13** and **14**, Bradley discloses the invention substantially as claims discussed above.

However, Bradley does not explicitly disclose:

- wherein the step of communicating directly between the first and second hosts supports a high speed file transfer application.

Latiff discloses a method and apparatus for receiving, translating and routing data packets comprising:

- wherein the step of communicating directly between the first and second hosts supports a high speed file transfer application (col. 6, lines 23-37).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated Latif teachings of a storage area network in a non-ESCON manner with Bradley teachings for configuring a storageless host on the fabric, for the purpose of a more effective way of communicating between hosts in a shared fabric networking environment.

As per claims **23** and **29**, Bradley discloses:

- wherein the medium is selected from the group consisting of magnetic, optical, biological and atomic data storage media (col. 6, lines 31-34).

(10) Response to Argument

Appellants argued in substance that:

(a) Bradley in view of Latif does not teach, suggest or disclose the communication between a first host and a second host using a storage area network protocol, which means that the first and second hosts communicate directly with one another using a storage area network.

In response, Appellant's argument filed is not persuasive.

Bradley teaches a method for partitioning end nodes on a fabric and controlling access to the partitioned end nodes. The association of the two end nodes with each other facilitates communication between each of the end nodes. An end node may be a Future I/O adapters (RAID controllers) or computer system, where the computer system may be a single entity or a cluster of single entities such as a storage area network (SAN). Bradley also teaches a subnet that uses the Future I/O fabric, which may be a SAN to allow hosts to communicate with other end nodes over the subnet (col. 4, lines 30-52 and col. 5, lines 11-37). Since Bradley allows communication over the subnet between the end nodes, then the appropriate protocol must be

used in order for the nodes to communicate with each other. Thus, the subnet of Bradley reads on the broadest reasonable interpretation of SAN, which is a high-speed sub-network of shared storage devices. Therefore, Bradley in view of Latif does teach, suggest and disclose the communication between a first host and a second host using a storage area network protocol.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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